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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 16th August, 1973:—

A Bill to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act, 1973.

Bill No. XXIII of 1973

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Coking and Non-Coking Coal Mines (Nationalisation) Amendment Act, 1973. Short title and commencement.

(2) The amendments to the Coking Coal Mines (Nationalisation) Act, 1972, shall be deemed to have come into force on the 1st day of May, 1972, and the amendments to the Coal Mines (Nationalisation) Act, 1973, shall be deemed to have come into force on the 1st day of May, 1973.

36 of 1972
26 of 1935

2. In section 4 of the Coking Coal Mines (Nationalisation) Act, 1972 (hereinafter referred to as the Coking Coal Act), after sub-section (2), the following sub-section shall be inserted, namely:— Amendment of section 4 of Act 36 of 1972.

"(3) If after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coking coal mine included in the First Schedule or the name and address of the owner of any such coking

coal mine, it may, by notification, correct such error, omission or misdescription, and on the issue of such notification, the relevant entries in the First Schedule shall be, and shall be deemed always to have been, corrected accordingly;

Provided that no such correction in relation to the ownership of a coking coal mine shall be made where such owenership is in dispute.".

Amendment of section 5.

3. Section 5 of the Coking Coal Act shall be re-numbered as sub-section (*1*) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(*2*) If after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coke even plant included in the Second Schedule or the name and address of the owner of any such coke oven plant, it may, by notification, correct such error, omission or misdescription, and on the issue of such notification, the relevant entries in the Second Schedule shall be, and shall be deemed always to have been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coke oven plant shall be made where such ownership is in dispute.".

Insertion of new section 12A.

4. After section 12 of the Coking Coal Act, the following section shall be inserted, namely:—

Workers' dues to be paid out of the amount.

"12A. (*1*) Out of the amount payable—

(*a*) under section 10 and section 12 to the owner of every coking coal mine or group of coking coal mines;

(*b*) under section 11 and section 12 to the owner of every coke oven plant,

there shall be paid to every person employed by such owner, a sum equal to the amount of arrears due, on the appointed day, to such employee,—

(*i*) in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of such employee; and

(*ii*) as wages.

(*2*) Every employee to whom the whole or any part of the arrears referred to in sub-section (*1*) is due shall file the proof of his claim to the Commissioner within such time, after the commencement of the Coking and Non-Coking Coal Mines (Nationalisation) Amendment Act, 1973, as the Commissioner may fix.

(*3*) The provisions of section 23 shall, as far as may be, apply to the filing, admission or rejection of the proofs referred to in sub-section (*2*).

(*4*) The Commissioner shall, after the admission or rejection of the claims made under sub-section (*2*), determine the total amount of the arrears referred to in sub-section (*1*), and shall, after such

determination, deduct, in the first instance, out of the amount paid to him under section 21, a sum equal to the total amount of such arrears.

(5) All sums deducted by the Commissioner under sub-section (4) shall, in accordance with such rules as may be made under this Act, be credited by the Commissioner to the relevant fund or be paid to the persons to whom such sums are due, and on such credit or payment, the liability of the owner of the coking coal mine or group of coking coal mines or coke oven plant, as the case may be, in respect of the amounts of arrears due as aforesaid, shall stand discharged.

(6) The deductions made by the Commissioner under sub-section (4) shall have priority over all other debts, whether secured or unsecured.

(7) Save as otherwise provided in the foregoing sub-sections, every secured debt due from the owner of a coking coal mine or group of coking coal mines or coke oven plant, as the case may be, shall have priority over all other debts and shall be paid in accordance with the rights and interests of the secured creditors.".

Amendment of section 23.

5. In section 23 of the Coking Coal Act,—

(*i*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Without prejudice to the provisions of sub-section (*1*), claims in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of a coking coal mine or group of coking coal mines or a coke oven plant may be filed on behalf of the persons so employed by the Coal Mines Provident Fund Commissioner appointed by the Central Government under section 3C of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948; and the claims so made shall be deemed to have been made by the persons having a claim against the owner of a coking coal mine or group of coking coal mines or a coke oven plant, as the case may be;

46 of 1948.

Provided that no such claim shall be made by the Coal Mines Provident Fund Commissioner in relation to a person who has already made a claim under sub-section (*1*).";

(*ii*) in sub-section (*2*),—

(*a*) clause (*b*) shall be omitted;

(*b*) for clause (*d*), the following clause shall be substituted, namely:—

"(*d*) all sums deducted by the employer from the salary or wages of any workman or other employee of the coking coal mine or group of coking coal mines or coke oven plant, as the case may be, for credit to any provident fund, or any other fund established for the welfare of such workmen or other employees but not deposited to the credit of the said fund;";

(*c*) in clause (*e*), for the words "as royalty, rent or dead rent, as the case may be", the words "including royalty, rent and dead rent" shall be substituted;

(iii) to sub-section (*10*), the following proviso shall be added, namely:—

"Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court for the State in which the coking coal mine or coke oven plant, as the case may be, is situated, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.".

Amendment of section 20 of Act 26 of 1973.

6. Section 20 of the Coal Mines (Nationalisation) Act, 1973, shall be re-numbered as sub-section (*1*) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Without prejudice to the provisions of sub-section (*1*), claims in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of a coal mine or group of coal mines may be filed on behalf of the persons so employed by the Coal Mines Provident Fund Commissioner appointed by the Central Government under section 3C of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948; and the claims so made shall be deemed to have been made by the persons having a claim against the owner of a coal mine or group of coal mines: 46 of 1948.

Provided that no such claim shall be made by the Coal Mines Provident Fund Commissioner in relation to a person who has already made a claim under sub-section (*1*).".

STATEMENT OF OBJECTS AND REASONS

Since the Coking Coal Mines (Nationalisation) Act, 1972 received the President's assent, it has come to notice that in certain cases there are minor discrepancies in the description of the various coking coal mines listed in the Schedule to the Act. It is desired to remove these discrepancies, and such other discrepancies as may be brought to notice hereafter, by issue of suitable notifications if the power in this regard is vested in the Government.

In course of the administration of the coking coal mines, since the enactment of the 1972 Act, it has been noticed that the previous owners had accumulated large arrears towards workers' dues in the shape of contributions to provident fund, wages and other dues. It is proposed to vest the Commissioner of Payments appointed under section 20 of that Act with the authority to deduct arrears of wages, employers' share of the provident fund contribution, pension fund, gratuity fund or other funds established for the welfare of workers out of the amount payable to the owners specified in the First and Second Schedules of the Coking Coal Mines (Nationalisation) Act, 1972, with priority over all other dues, whether secured or unsecured. The relevant clauses of the Bill are in conformity with similar provisions of the Coal Mines (Nationalisation) Act, 1973. Since it may not be possible for a large body of workmen or their dependants to make claims before the Commissioner, both the Acts are being amended with a view to empowering the Coal Mines Provident Fund Commissioner to make the claims on behalf of the workmen.

It is proposed that any appeal against the decision of the Commissioner of Payments, shall lie before the High Court of the State in which the coking coal mine is situated and that such appeal shall be heard and disposed of by not less than two Judges of that High Court.

T. A. PAI,

NEW DELHI:
The 3rd August, 1973.

B. N. BANERJEE,
Secretary.

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